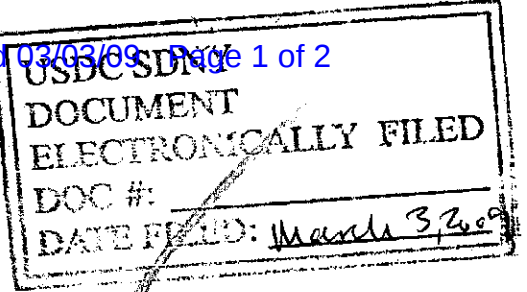


ORIGINAL



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

ROY L. McCOWN,

Plaintiff,

-against-

MICHAEL J. ASTRUE, Commissioner  
of the Social Security  
Administration,

Defendant.

-----X

DEBORAH A. BATTS, United States District Judge.

06 Civ. 3981 (DAB)

ORDER

This matter is before the Court upon the August 8, 2008 Report and Recommendation ("Report") of United States Magistrate Judge Kevin Nathaniel Fox. The Report recommended that Plaintiff's application for attorney fees be denied without prejudice as it was, at the time, premature. According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). No objections to the Report were received.

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, see 28 U.S.C. §

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636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

The Report and Recommendation of United States Magistrate Judge Fox, dated August 8, 2008, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety.

SO ORDERED.

Dated: New York, New York

March 3, 2009

Deborah A. Batts

Deborah A. Batts  
United States District Judge